

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)RECEIVED
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SEP 23 2004 Law Technology Group

DATE: September 23, 2004# of Pages: 14 (incl. cover sheet)

| | |
|---|---|
| TO: Official Filing | |
| COMPANY: USPTO | FAX No.: (703) 872-9306 and 703-746-4060 |
| LOCATION: Washington, D.C. | Phone No.: |
| FROM: Rick F. James, Registration No. 48,772 | |
| COMPANY: ExxonMobil Chemical Company | Fax No.: (281) 834-2495 |
| LOCATION: Baytown, Texas | Phone No.: (281) 834-2438 |

COMMENTS*** * * * OFFICIAL FILING * * * *****RE: Transmittal Form and a Declaration and Petition of Facts in Support of
Filing on Behalf of Inventor Who Refuses to Sign or Cannot be Reached
[37 CFR 1.147(b)] w/Attachments**

Applicant(s): Jean-Marc FRANCOIS
Serial No. : 10/822,188
Filing Date: April 6, 2004
Our Docket No.: 2002B098/2
Examiner: Not Yet Assigned
Art Unit No.: Not Yet Assigned
Invention: "Improved Metallized Films"

*I hereby certify that the above subject matter is being facsimile transmitted to the
United States Patent and Trademark Office (Fax No. 703/872-9306 and 703/746-4060)
on September 23, 2004.*


Susan Engelmann
Telephone: (281) 834-1367

"PATENT"**TRANSMITTAL FORM**

Appl. No. : 10/822,188
Applicant : Jean-Marc FRANCOIS
Filed : April 6, 2004
TC/A.U. : Not Yet Assigned
Title: : "IMPROVED METALLIZED FILMS"
Examiner : Not Yet Assigned
Docket No. : 2002B098/2
Customer No. : 23455

Confirmation No.: 2316

Date: September 23, 2004

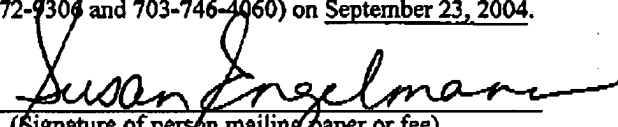
Petition to Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

- ☒ I hereby certify that this Transmittal and Declaration and Petition of Facts in Support of Filing on Behalf of Inventor Who Refuses to Sign or Cannot be Reached [37 CFR 1.147(b)] is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 703/872-9306 and 703-746-4060) on September 23, 2004.

Susan Engelmann

(Typed or printed name of person mailing paper or fee)


(Signature of person mailing paper or fee)

Transmitted herewith is the Declaration and Petition of Facts in Support of Filing on Behalf of Inventor Who Refuses to Sign or Cannot be Reached [37 CFR 1.147(b)] in the above-identified application:

- ☒ Fee for Declaration of Oath is \$130.00.
- ☒ Fee for Declaration and Petition of Facts in Support of Filing on Behalf of Inventor Who Refuses to Sign or Cannot be Reached [37 CFR 1.147(b)] is \$130.00
- ☒ Fee for 1 Month Extension of Time is \$110.00.
- ☒ Charge \$370.00 to Deposit Account No. 05-1712.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment, to Deposit Account No. 05-1712.

September 23, 2004

Date of Signature

Post Office Address (to which correspondence is to be sent):
ExxonMobil Chemical Company
Law Technology
P. O. Box 2149
Baytown, Texas 77522-2149
Telephone No. (281) 834-2438
Facsimile No. (281) 834-2495


Attorney or Agent

Rick F. James
Registration No. 48,772

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SEP 23 2004

"PATENT"

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/822,188 Confirmation No.: 2316
Applicant : Jean-Marc FRANCOIS
Filed : April 6, 2004
TC/A.U. : Not Yet Assigned
Title: : "IMPROVED METALLIZED FILMS"
Examiner : Not Yet Assigned
Docket No. : 2002B098/2
Customer No. : 23455 Date: September 23, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION AND PETITION OF FACTS IN SUPPORT
OF FILING ON BEHALF OF INVENTOR WHO REFUSES
TO SIGN OR CANNOT BE REACHED [37 CFR 1.47(b)]**

Dear Sir:

This declaration is made as to the facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

I am an employee of Exxon Mobil Corporation and perform work on behalf of ExxonMobil Oil Corporation, a proprietary interest owner of the above-identified application.

The facts stated herein are based upon my personal knowledge and records maintained under my direction.

The inventor, Jean-Marc Francois, was an employee of Exxon Mobil Corporation at the time of invention and filing of the priority document for this application. However, Mr. Francois is no longer in the employ of Exxon Mobil Corporation. Immediately prior to his departure in 2003, the inventor refused to sign an assignment and indicated that he would not cooperate to sign any additional documents on behalf of his employer, ExxonMobil. Jean-Marc Francois' invention was invented and made under the direction of Exxon Mobil, within the conduct of his employment. Mr. Francois was under an obligation to assign the subject invention to the designated corporate affiliate, namely Exxon Mobil Oil Corporation. Thereby Exxon Mobil Corporation has a vested proprietary ownership interest in the subject invention and is filing this Declaration and Petition in support thereof.

USSN: 10/822,188

Atty. Docket: 2002B098/2

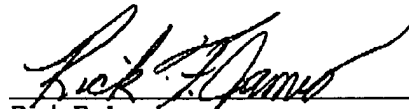
Page 2 of 2

A Declaration (newly drafted with the last known address for Mr. Jean-Marc Francois), Assignment, Application, and a pre-addressed, postage pre-paid return DHL envelope was sent to Jean-Marc Francois' last known address listed in our Law Department database at 12 Rue de Deauville, 54260 Longuyon, France, on July 29, 2004, via DHL courier. A copy of the Air Waybill and DHL tracking history, indicating attempted delivery, are enclosed herewith. We have learned that the statement "Recipient refused delivery" could also mean that the recipient has moved. We are continuing our efforts to locate him and will provide the Patent Office with any new information we uncover as soon as it's known. We have not received the signed documents as of this date, September 23, 2004.

This declaration is being made by the best available person having first-hand knowledge of the facts recited therein.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: September 23, 2004


Rick F. James
Atty. Registration, 48,772

Attachments:

- 1) Letter dated July 29, 2004
- 2) DHL Air Waybill Addressed To Jean-Marc Francois
- 3) DHL Return Air Waybill Pre-Addressed to Susan Engelmann
- 4) DHL Tracking History of Attempted Delivery
- 5) Declaration (newly executed)

ExxonMobil Chemical Company
5200 Bayway Drive
Baytown, Texas 77520-2101
P.O. Box 2149
Baytown, Texas 77522-2149
281 834 5200 Telephone
281 834 2495 Facsimile

ExxonMobil
Chemical

July 29, 2004

Jean-Marc Francois
12 Rue de Deauville
54260 Longuyon
France

**Re: Declaration and Assignment
Docket No. 2002B098/2; "Improved Metallized Films"**

Dear Mr. Francois:

Enclosed please find a Declaration and an Assignment on the above-referenced application.

1. Please verify your address information on the Declaration, including citizenship, sign, and date where indicated. Should you need to make any corrections, simply draw a single line through the incorrect information, write the correct information next to it and initial the change.
2. On the Assignment, please sign, date, and have someone witness your signature *in blue ink*. (This does NOT need to be a notary.)

Once all the documents have been executed, please return the signed originals to me in the pre-addressed DHL envelope provided.

Also enclosed, for your review, is a copy of the Application that was filed. Should you find any mistakes or discrepancies, please contact Rick James at (281) 834-2438 as soon as possible.

If you have any questions, please contact me via email at susan.engelmann@exxonmobil.com, by phone (281) 834-1367 or fax (281) 834-2495.

Thank you in advance for your assistance in this matter.

Sincerely,



Susan Engelmann, ALS
Sr. Legal Assistant

Enclosures

1. Declaration
2. Assignment
3. Application

A Division of Exxon Mobil Corporation

ASSIGNMENT**INVENTOR or INVENTORS:****Jean-Marc Francois**

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of and/or promise of payment which is hereby acknowledged, the undersigned person(s) named above, herein referred to as UNDERSIGNED, hereby agree(s) as follows:

1) UNDERSIGNED hereby assign(s) to ExxonMobil Oil Corporation, a corporation of the state of New York, its successors, legal representatives and assigns, herein referred to collectively as ASSIGNEE, the entire right, title and interest, for the United States and all foreign countries, in and to UNDERSIGNED'S invention or improvement and to all patent applications and patents covering same which is described in a patent application entitled

"Improved Metallized Films"

said application having been executed on the _____ day(s) of _____, 2004, and being further identified as USSN, 10/822,188, Docket No, 2002B098/2, Filed, April 6, 2004, and all rights of priority created by said application under provisions of international conventions or treaties.


2) UNDERSIGNED agree(s) upon the request of ASSIGNEE to execute any and all applications for and documents relating to obtaining patents and the prosecution thereof for said invention or improvement, and any continuations of such applications or substitutes therefor or registrations thereof, and any specific separate assignments of any of the above required for recording in the United States Patent and Trademark Office and any foreign patent office that ASSIGNEE may deem necessary or expedient.

3) UNDERSIGNED agree(s) that in the event of any application based on said assigned invention or improvement, or patent issued thereon, or any reissue or application for the reissue thereof, becoming involved in priority of invention proceedings, UNDERSIGNED will cooperate with ASSIGNEE to the best of the ability of UNDERSIGNED in the matter of preparing and executing all documents and giving and producing evidence in support thereof.

4) UNDERSIGNED agree(s) to perform upon ASSIGNEE'S request any and all affirmative acts to obtain United States and foreign patents covering said invention or improvement and to vest all rights therein hereby conveyed to ASSIGNEE, as fully and as entirely as the same would have been held and enjoyed by UNDERSIGNED if this assignment and sale had not been made.

5) UNDERSIGNED hereby authorize(s) ASSIGNEE's attorney to insert at paragraph 1, in this instrument the date(s) on which UNDERSIGNED executed the Declaration for the above-referenced patent application, as well as the filing date and application number thereof when known.

ASSIGNMENT (Cont'd.)

IN WITNESS WHEREOF, this assignment has been executed by UNDERSIGNED on the date 
opposite UNDERSIGNED'S NAME.

DATE _____

Jean-Marc Francois (Inventor)

Witness

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

"Improved Metallized Films"

the specification of which is attached hereto unless the following box is checked:

☒ was filed on April 6, 2004 as Application Serial No. 10/822,188

I hereby authorize the attorney/agent to insert the Application Serial No. and filing date, above, thereof when known.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate(s), or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application(s) for patent or inventor's certificate(s), or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

| | | | | |
|-----------------------------|-----------------------------|-----------------------------|--------------------------|--------------------------|
| <u> </u> | <u> </u> | <u> </u> | <input type="checkbox"/> | <input type="checkbox"/> |
| (Number) | (Country) | (Day/Month/Year Filed) | Yes | No |

I hereby claim the benefit under 35 U.S.C. § 119(e)(1)-(2) of any United States provisional application(s) listed below.

| | |
|----------------------|------------------|
| <u>60/461,737</u> | <u>4/10/2003</u> |
| (Application Number) | (Filing Date) |

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

| | | |
|-----------------------------|-----------------------------|---|
| <u> </u> | <u> </u> | <u> </u> |
| (Application Serial No.) | (Filing Date) | (Status - patented, pending, abandoned) |

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

| NAMES | REGISTRATION NUMBERS | NAMES | REGISTRATION NUMBERS |
|---------------------|-------------------------|-------------------|-------------------------|
| Leandro Arechederra | 52,457 | Kelly A. Nowak | 35,620 |
| Catherine L. Bell | 35,444 | Tom F. Pruitt | 30,317 |
| Keith A. Bell | 30,023 | Frank E. Reid | 37,918 |
| C. Milton Fick | 33,383 | Dennis P. Santini | 26,029 |
| Andrew B. Griffiths | 36,336 | C. Paige Schmidt | 38,556 |
| Rick F. James | 48,772 | Jaimes Sher | 34,726 |
| Linda A. Kubena | 42,772 | Edward F. Sherer | 29,588 |
| Bradley A. Keller | 37,654 | Darryl M. Tyus | 40,853 |
| Mandi B. Milbank | 50,853 | Maria C. Walsh | 37,958 |
| Lucinda Lomas | 51,964 | Phillip G. Woo | 45,234 |
| Louis N. Moreno | 44,953 | | |

Case Docket No. 2002B098/2

| | |
|---|--|
| SEND CORRESPONDENCE TO: | DIRECT TELEPHONE CALLS TO: (Name and Telephone Number) |
| ExxonMobil Chemical Company Law Technology P.O. Box 2149 Baytown, Texas 77522-2149 | Rick F. James (281) 834-2438 Facsimile No. (281) 834-2495 |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | | | |
|-------------------------|---------------------------------------|------------------------------------|----------------------------|----------------------------------|
| FULL NAME OF INVENTOR | LAST NAME FRANCOIS | FIRST NAME JEAN-MARC | | MIDDLE NAME |
| RESIDENCE & CITIZENSHIP | CITY 54260 Longuyon | STATE OR FOREIGN COUNTRY France | | COUNTRY OF CITIZENSHIP France |
| ADDRESS | STREET ADDRESS 12 Rue de Deauville | CITY Longuyon | STATE OR COUNTRY France | ZIP CODE 54260 |

Inventor's signature _____

Date _____



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Tracking Number: 7987942874

Shipment Summary:

Current Status: Recipient refused delivery.

Shipment History:

| DATE | TIME | ACTIVITY AND COMMENTS | LOCATION |
|---------|--------------------------------|---|--|
| 8/2/04 | 3:20 pm 11:00 am 8:58 am | Recipient refused delivery. With delivery courier. With delivery courier. | Metz, France Metz, France Metz, France |
| 7/31/04 | 9:21 am | Arrived at DHL facility. | New York, NY |
| 7/30/04 | 7:14 pm 5:13 pm | Departing origin. Picked Up by DHL. | Downtown Houston, TX Public Drop Box |

Shipper:

EXXONMOBIL CORPORATION
 Baytown, TX 775202100
 United States

Receiver:

JEAN-MARC FRANCOIS
 Longueon
 Fr

Shipment Detail:

| | | | |
|----------|-------------|----------------------|-----------------------|
| Service: | Next Day AM | Ship Type: | |
| Special: | | Description: | DOC |
| Weight: | | Shipper's Reference: | 813220-0002B098/2 AVD |
| Pieces: | | | |

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- Tracking detail provided by DHL: 9/23/2004, 3:32:22 pm pt.
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/822,188 | 04/06/2004 | Jean-Marc Francois | 2002B098/2 |

23455
EXXONMOBIL CHEMICAL COMPANY
P O BOX 2149
BAYTOWN, TX 77522-2149

CONFIRMATION NO. 2316

FORMALITIES LETTER

OC000000013038184

Date Mailed: 06/23/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.18(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

SEP-23-2004 18:27

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281 834 0305 P.14/14
Page 2 of 2



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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